



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,074	07/09/2003	Tom L. Pierson	2106.000200	9939

23720 7590 03/21/2005

WILLIAMS, MORGAN & AMERSON, P.C.
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

EXAMINER

RICHTER, SHELDON J

ART UNIT PAPER NUMBER

3748

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,074

Applicant(s)

PIERSON ET AL.

Examiner

Sheldon J Richter

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-36 and 38-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 73-78 and 81-88 is/are allowed.
- 6) ☒ Claim(s) 1,3-36,38-72,79 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In order to avoid abandonment, the drawing informalities noted in the paper mailed on August 6, 2004, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

2. Claims 72 and 79-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakahara et al. See Fig. 1. The "adapted to" limitations recited therein are given no patentable weight, as no additional structural limitation(s) is recited thereby.

3. Claims 72 and 79-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith. See Fig. 1. The "adapted to" limitations recited therein are given no patentable weight, as no additional structural limitation(s) is recited thereby.

4. Claims 72 and 79-80 are rejected under 35 U.S.C. 102(b) as being anticipated by 5953918. See Fig. 3. The "adapted to" limitations recited therein are given no patentable weight, as no additional structural limitation(s) is recited thereby.

5. Claims 72 and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et al, Smith or 5953918. The

Art Unit: 3748

subject matter recited therein is considered to be obvious design choice modification(s) of Nakahara et al, Smith or 5953918.

6. Claims 1, 4, 24, 72 and 79-80 are rejected under 35 U.S.C. 102(a) as being anticipated by Benson. See Fig. 1 of Benson.

7. Claims 1, 3-35, 72 and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson. The additionally recited subject matter is considered to be obvious design choice modification(s) of Benson.

8. Claims 36, 38-40, 54, 72 and 79-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Stinger et al.

9. Claims 36, 38-72 and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinger et al. The additionally recited subject matter is considered to be obvious design choice modification(s) of Stinger et al.

10. Claims 73-78 and 81-88 are allowed.

Art Unit: 3748

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheldon J

Art Unit: 3748

Richter whose telephone number is (571) 272-4863. The examiner can normally be reached on 9:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS E DENION can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheldon J Richter
Primary Examiner
Art Unit 3748